

IN RE: **PETITIONS FOR SPECIAL HEARING
AND VARIANCE**

S/S Galena Road, 62' E of Waterford Road
(1502 Galena Road)

15th Election District
7th Council District

Gary Lee Jacobs, et ux
Petitioners

BEFORE THE
ZONING COMMISSIONER
FOR
BALTIMORE COUNTY
Case No. 2010-0014-SPHA

* * * * *

FINDINGS OF FACT AND CONCLUSIONS OF LAW

This matter comes before the Zoning Commissioner for consideration of Petitions for Special Hearing and Variance filed by the owners of the subject property, Gary Lee Jacobs, and his wife, Micaela M. Aigner-Jacobs. The Petitioners request a special hearing pursuant to Section 500.7 of the Baltimore County Zoning Regulations (B.C.Z.R.) to approve the continued use of the property for two (2) non-conforming dwelling units. Additionally, variance relief is requested from B.C.Z.R. Section 1B02.3.C.1 to permit an addition with a setback of 3 feet in lieu of the required 10 feet. The subject property and requested relief are more particularly described on the site plan, which was accepted into evidence and marked as Petitioners' Exhibit 1.

Appearing at the requisite public hearing were the Petitioners, Gary and Micaela Jacobs. There were no Protestants or other interested persons present; however, this matter came before me as the result of a complaint registered with the Code Enforcement Division of the Department of Permits and Development Management filed by Rick Szymanski relative to the two story addition at issue. A resolution of the violation case (Case No. 0061800) is pending the outcome of this request. It should be noted that the fact that a code violation is issued is generally not considered in a zoning case. Zoning enforcement is conducted by the Department of Permits and

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Date 9-30-09
By 123

Development Management, which has the authority to issue Correction Notices and Citations, and to impose fines and other penalties for violation of law. On the other hand, the role of this office in this matter is to decide the discreet legal issue of whether the Petitioners are entitled to the requested special hearing and variance relief pertaining to the subject property.

Testimony and evidence offered revealed that the subject property is essentially a rectangular shaped waterfront parcel located on the south side of Galena Road, just east of Waterford Road in Essex and within the Martin State Airport Restriction Area. The lot is identified as being Lot 29-A in the Hyde Park subdivision, which is an older subdivision that was platted and recorded in the Land Records in the early 1900's, thus prior to the first set of zoning regulations in Baltimore County. As is often the case with older subdivisions, many of the lots are undersized, do not meet current area and width requirements, and have been used in ways that are now considered non-conforming. In this regard, the Jacobs family has owned the lot since 1976 that contains 0.27 acres (11,904 square feet), and is zoned D.R.5.5.

Gary Jacobs grew up in the area and provided a detailed history of the improvements on the property. On the northern portion of the lot set back approximately 59 feet from Galena Road, is a dwelling (20' x 22') built in 1914 and located three (3) feet from the adjoining western property line. The property is 44 feet wide at this point but widens to 63 feet at its frontage on Back River where the Petitioners' primary dwelling is located. Testimony revealed that the 1914 structure, known as 1502R Galena Road, was historically known as Pope's Store until the 1940's. It was then converted to a single-family residence prior to 1950 and rented to tenants until 2009. Mr. and Mrs. Jacobs desire to renovate this structure and add a two-story addition (20'-4" x 24') on the front of the home. As illustrated on the site plan, the new addition is attached to the existing structure and is no closer to the adjacent property line than the existing

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Date 9-30-09
By [signature]

structure. The adjacent neighbors – August and Luanne Tomak (1503 Waterford Road – Lot 29) and William and Carolyn Kruse (1504 Waterford Road – Lot 29B) both provided letters in support of the two-story addition that will be used as garage (1st floor) and additional living space on the second floor. The letters were respectively marked and accepted into evidence as Petitioners' Exhibits 2 and 3.

Testimony revealed that Petitioners intend to use the renovations to the existing and new addition as an updated mother-in-law residence for Mrs. Jacobs' mother, Carmen Aigner, who is aging and in need of care. It is this structure known as 1502R Galena Road that brings the Petitioners before me seeking relief as set forth above to permit redevelopment of the property with a new addition. The Petitioners home, 1502 Galena Road, fronting on Back River positioned on the southern portion of the lot, is not in any way being altered. It is to be noted that both properties are served by public water and sewer.

In support of the nonconforming use, Petitioners provided letters from three neighbors who have all lived in this neighborhood since 1954. The letters, which were collectively marked and accepted into evidence as Petitioners' Exhibit 4, each state that the second dwelling on the subject property has existed in its current location and has been in continuous use since 1955 or before. Gary Jacobs also provided testimony that he has lived on the subject property for many years and has used the second structure on the property for residential purposes without any interruption.

The Zoning Advisory Committee (ZAC) comments were received and are contained within the case file. Comments dated July 28, 2009 were received from the Bureau of Development Plans Review, who stated that each dwelling should have two off-street parking

UNDER REVIEW FOR FILING
Date 9-30-09
By DBJ

spaces and there appears to be more buildings on the site than are shown on the plan. The Office of Planning submitted a comment dated August 5, 2009, which stated that,

“the subject site appears to generally be a non-conforming use. The proposal will remove several smaller structures and upgrade the appearance of the existing second residence. Although non-conforming to the regulations, it is not incompatible with the adjacent waterfront properties on the block.”

Additionally, comments dated September 9, 2009 were received from DEPRM, who stated that development of this property must comply with the Chesapeake Bay Critical Area Regulations (CBCA) Section 33-2-101 through 33-2-1004, and other Sections of the Baltimore County Code).

Turning first to the Petition for Special Hearing, the term “nonconforming use” is defined in Section 101 of the B.C.Z.R. as “a legal use that does not conform to a use regulation for the zone in which it is located or to a special regulation applicable to such a use.” The Court of Appeals of Maryland has articulated the standard for a permissible nonconforming use and has held that when a property owner at time of adoption of the last comprehensive zoning was using land for use which by new legislative action became non-permitted, the owner has a lawful nonconforming use. *See, e.g., Board of Zoning Appeals v. Meyer*, 207 Md. 389 (1955). Pursuant to Section 104.1 of the B.C.Z.R., a nonconforming use may continue unless the use is abandoned or discontinued for a period of one year or longer.

I am convinced after considering the testimony and evidence presented in this case that a nonconforming use exists for the structure known as 1502R Galena Road. The uncontradicted testimony reveals that this second structure has functioned as a residential dwelling on the subject property since before 1955 and the latest iteration of the B.C.Z.R. I am satisfied that this use has continued to the present day without any period of abandonment for over one year, and

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Date 9-30-09

By [Signature]

that the Petitioners are therefore entitled to maintain this use pursuant to Section 104.1 of the B.C.Z.R. However, the nonconforming use will be restricted through conditions to apply only to the Petitioners and their immediate family and this use will be deemed abandoned upon any future sale of the property.

Turning next to the Petition for Variance, I am also persuaded that the requested relief should be granted. Initially, I find special circumstances or conditions exist that are peculiar to the land or structure which is the subject of this variance request. As previously mentioned, the variance seeks to legitimize conditions that have existed on the property since the second structure was built in the early 1900's. Similar to many lots in this area, the property is undersized and the current setback requirements unduly burden the property owners. Thus, I further find that strict compliance with the B.C.Z.R. would result in practical difficulty or unreasonable hardship since the Petitioners would be forced to remove a structure that has existed in its current location for nearly 100 years.

Finally, I find that this variance can be granted in strict harmony with the spirit and intent of said regulations, and in such manner as to grant relief without injury to the public health, safety and general welfare. The sole testimony presented at the public hearing demonstrated that the Petitioners' immediate neighbors support the requested relief, which will essentially refurbish an existing structure and improve the appearance of the property, in turn benefiting the surrounding locale. Thus, I am persuaded that the request meets the requirements of Section 307 of the B.C.Z.R, as established in *Cromwell v. Ward*, 102 Md. App. 691 (1995).

Pursuant to the advertisement, posting of the property and public hearing on these Petitions held, and for the reasons set forth above, the relief requested shall be granted.

FILED
Date 9-30-09
By [Signature]

THEREFORE, IT IS ORDERED, by the Zoning Commissioner for Baltimore County this 30th day of September 2009, that the Petition for Special Hearing to approve the continued use of the property for two (2) non-conforming dwelling units on a lot, in accordance with Petitioners' Exhibit 1, be and is hereby GRANTED, subject to the following condition:

1. The special hearing relief granted to allow the two dwelling units on the subject property is for the use by Gary Lee Jacobs, and his wife, Micaela M. Aigner-Jacobs, personally, and shall not run with the land as to inure to the benefit of any subsequent property lessor or other owner without first obtaining further special hearing approval to do so.

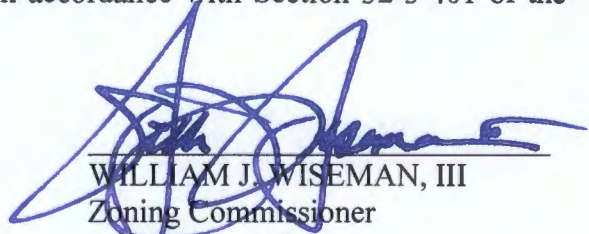
IT IS FURTHER ORDERED that the Petition for Variance seeking relief to allow an addition with a setback of 3 feet in lieu of the required 10 feet, pursuant to Section 1B02.3.C.1 of the Baltimore County Zoning Regulations (B.C.Z.R.), in accordance with Petitioners' Exhibit 1, be and is hereby GRANTED, subject to the following restrictions:

2. The Petitioners may apply for their permit(s) and be granted same upon receipt of this Order; however, the Petitioners are hereby made aware that proceeding at this time is at their own risk until the 30-day appeal period from the date of this Order has expired. If an appeal is filed and this Order is reversed, the relief granted herein shall be rescinded.
3. The materials and design of the two-story addition shall be consistent with the other house on the property. No other structures shall be permitted on the site.
4. Compliance with the recommendations made within the Zoning Advisory Committee (ZAC) comment submitted by the Department of Environmental Protection and Resource Management (DEPRM), dated September 9, 2009, a copy of which is attached hereto and made a part hereof.

Any appeal of this decision must be taken in accordance with Section 32-3-401 of the

Baltimore County Code.

WJW:dlw


WILLIAM J. WISEMAN, III
Zoning Commissioner
for Baltimore County

ORDER RECEIVED FOR FILING
Date 9-30-09
By WJW

BW
9-16-09

BALTIMORE COUNTY, MARYLAND

Inter-Office Correspondence



RECEIVED

SEP 09 2009

ZONING COMMISSIONER

TO: Timothy M. Kotroco

FROM: Dave Lykens, DEPRM - Development Coordination

DATE: September 9, 2009

SUBJECT: Zoning Item # 10-014-SPH
Address 1502 Galena Road
(Jacobs Property)

Zoning Advisory Committee Meeting of July 20, 2009

X The Department of Environmental Protection and Resource Management offers the following comments on the above-referenced zoning item:

X Development of this property must comply with the Chesapeake Bay Critical Area Regulations (Sections 33-2-101 through 33-2-1004, and other Sections, of the Baltimore County Code).

Additional Comments: This property is located within a Limited Development Area (LDA) and Buffer Management Area (BMA) in the Chesapeake Bay Critical Area. Lot coverage is limited to 25% of the lot area above mean high water, or a maximum lot coverage of 31.25%, if approved and with mitigation. The site may be grandfathered at a higher lot coverage allowance only if that lot coverage existed prior to the Critical Area law. A 100-foot tidal buffer applies to this site. Use and development within the buffer is restricted, and must comply with all LDA and BMA requirements. A minimum 15% forest cover is required to exist on-site at all times. Mitigation requirements may require additional planting, removal of lot coverage, fees-in-lieu, or a combination of these. The site plan must show the 100-ft. tidal buffer measured off mean high water, all existing and proposed lot coverage in detail and in a table, and all existing and proposed trees.

Reviewer: Paul Dennis

Date: August 11, 2009

S:\Devcoord\1 ZAC-Zoning Petitions\ZAC 2010\ZAC 10-014-SPH 1502 Galena Road.doc

UPPER RECEIVED FOR FILING

Date 9-30-09

By

1202



BALTIMORE COUNTY
M A R Y L A N D

JAMES T. SMITH, JR.
County Executive

WILLIAM J. WISEMAN III
Zoning Commissioner

September 30, 2009

Gary L. Jacobs
Micaela M. Aigner-Jacobs
1502 Galena Road
Baltimore, Maryland 21221

RE: **PETITIONS FOR SPECIAL HEARING AND VARIANCE**
S/S Galena Road, 62' E of Waterford Road
(1502 Galena Road)
15th Election District - 7th Council District
Gary Lee Jacobs, et ux - Petitioners
Case No. 2010-0014-SPHA

Dear Mr. and Mrs. Jacobs:

Enclosed please find a copy of the decision rendered in the above-captioned matter. The Petitions for Special Hearing and Variance have been granted with a condition and restrictions, in accordance with the attached Order.

In the event any party finds the decision rendered is unfavorable, any party may file an appeal to the County Board of Appeals within thirty (30) days of the date of this Order. For further information on filing an appeal, please contact the Department of Permits and Development Management office at 887-3391.

Very truly yours,

WILLIAM J. WISEMAN
Zoning Commissioner
for Baltimore County

WJW:dlw
Enclosure

c: Chesapeake Bay Critical Area Commission, 1804 West Street, Suite 100,
Annapolis, MD 21401
People's Counsel; Division of Code Inspections & Enforcement, DPDM; DEPRM;
Office of Planning; Development Plans Review; File



TAX. ACCOUNT # 1518351420

Petition for Variance

to the Zoning Commissioner of Baltimore County
for the property located at 1502 Galena Road
which is presently zoned DR 5.5

This Petition shall be filed with the Department of Permits and Development Management. The undersigned, legal owner(s) of the property situate in Baltimore County and which is described in the description and plat attached hereto and made a part hereof, hereby petition for a Variance from Section(s) 1302.3.C.1 DCZ

To allow an addition with a setback of 3'
in lieu of the required 10'.

of the Zoning Regulations of Baltimore County, to the zoning law of Baltimore County, for the following reasons: (indicate hardship or practical difficulty)

Property is to be posted and advertised as prescribed by the zoning regulations.

I, or we, agree to pay expenses of above Variance, advertising, posting, etc. and further agree to and are to be bounded by the zoning regulations and restrictions of Baltimore County adopted pursuant to the zoning law for Baltimore County.

I/We do solemnly declare and affirm, under the penalties of perjury, that I/we are the legal owner(s) of the property which is the subject of this Petition.

Contract Purchaser/Lessee:

Name - Type or Print

Signature

Address Telephone No.

City State Zip Code

Attorney For Petitioner:

Name - Type or Print

Signature

Company

Address Telephone No.

City State Zip Code

Legal Owner(s):

Gary L. Jacobs

Name - Type or Print

Signature

Michaela Higner-Jacobs

Name - Type or Print

Signature

1502 Galena Road 410-391-6584

Address

Telephone No.

Baltimore

MD

21221

City

State

Zip Code

Representative to be Contacted:

Name

Address

Telephone No.

City

State

Zip Code

OFFICE USE ONLY

Case No. 2010-0914-304A ESTIMATED LENGTH OF HEARING

UNAVAILABLE FOR HEARING

Date 9-30-09 Reviewed By JF Date 7/10/07

REV 9/15/98

By 123



Petition for Special Hearing

to the Zoning Commissioner of Baltimore County

for the property located at 1502 Galena Rd, 21221
which is presently zoned DR 5.5

This Petition shall be filed with the Department of Permits and Development Management. The undersigned, legal owner(s) of the property situate in Baltimore County and which is described in the description and plat attached hereto and made a part hereof, hereby petition for a Special Hearing under Section 500.7 of the Zoning Regulations of Baltimore County, to determine whether or not the Zoning Commissioner should approve

To confirm non-conforming 2 dwelling units on a lot.

Property is to be posted and advertised as prescribed by the zoning regulations.

I, or we, agree to pay expenses of above Special Hearing, advertising, posting, etc. and further agree to and are to be bounded by the zoning regulations and restrictions of Baltimore County adopted pursuant to the zoning law for Baltimore County.

I/We do solemnly declare and affirm, under the penalties of perjury, that I/we are the legal owner(s) of the property which is the subject of this Petition.

Contract Purchaser/Lessee:

Name - Type or Print _____

Signature _____

Address _____ Telephone No. _____

City _____ State _____ Zip Code _____

Attorney For Petitioner:

Name - Type or Print _____

Signature _____

Company _____

Address _____ Telephone No. _____

City _____ State _____ Zip Code _____

Legal Owner(s):

Gary Lee Jacobs
Name - Type or Print _____

Gary Lee Jacobs
Signature _____

Micaela M. Aigner-Jacobs
Name - Type or Print _____

Micaela M. Aigner-Jacobs
Signature _____

1502 Galena Road 410 391 6584
Address _____ Telephone No. _____

Baltimore MD 21221
City _____ State _____ Zip Code _____

Representative to be Contacted:

Name _____

Address _____ Telephone No. _____

City _____ State _____ Zip Code _____

OFFICE USE ONLY

ESTIMATED LENGTH OF HEARING _____

UNAVAILABLE FOR HEARING _____

Case No. 2010 - 0014 - SPHA

Reviewed By JF Date 7/14/09

REV 9/15/98

ORDER RECEIVED FOR FILING

Date 9-30-09

By [Signature]

ZONING DESCRIPTION FOR 1502 GALENA ROAD BALTIMORE MARYLAND
21221.

BEING LOT # 29-A, IN THE SUBDIVISION OF PLAT OF HYDE PARK AS
RECORDED IN BALTIMORE COUNTY PLAT BOOK # 9, FOLIO #59,
CONTAINING 11,904 SQUARE FEET. ALSO KNOWN AS 1502 GALENA ROAD
AND LOCATED IN THE 15 ELECTION DISTRICT, 7 COUNCILMANIC DISTRICT.

0014

NOTICE OF ZONING HEARING

The Zoning Commissioner of Baltimore County, by authority of the Zoning Act and Regulations of Baltimore County will hold a public hearing in Towson, Maryland on the property identified herein as follows:

Case: #2010-0014-SPHA

1502 Galena Road
S/side of Galena Road at a distance of 62 feet east of Waterford Road

15th Election District — 7th Councilmanic District
Legal Owner(s): Gary & Micala Jacobs

Special Hearing: to conform non-conforming 2 dwelling units on a lot. **Variance:** to allow an addition with a setback of 3 feet in lieu of the required 10 feet.

Hearing: Wednesday, September 16, 2009 at 9:00 a.m.
In Room 104, Jefferson Building, 105 West Chesapeake Avenue, Towson 21204.

WILLIAM J. WISEMAN, III

Zoning Commissioner for Baltimore County

NOTES: (1) Hearings are Handicapped Accessible; for special accommodations Please Contact the Zoning Commissioner's Office at (410) 887-4386.

(2) For Information concerning the File and/or Hearing, Contact the Zoning Review Office at (410) 887-3391.

JT 9/6/12 Sept. 1

210266

CERTIFICATE OF PUBLICATION

9/3/ 2009

THIS IS TO CERTIFY, that the annexed advertisement was published in the following weekly newspaper published in Baltimore County, Md., once in each of 1 successive weeks, the first publication appearing on 9/1/ 2009.

- ☒ The Jeffersonian
- ☐ Arbutus Times
- ☐ Catonsville Times
- ☐ Towson Times
- ☐ Owings Mills Times
- ☐ NE Booster/Reporter
- ☐ North County News

S. Wilkinson

LEGAL ADVERTISING

**BALTIMORE COUNTY, MARYLAND
OFFICE OF BUDGET AND FINANCE
MISCELLANEOUS CASH RECEIPT**

No. 39298
Date: 7-10-07

PAID RECEIPT

BUSINESS ACTUAL TIME AM
7/10/2007 7/10/2007 11:24:00 2
REL 4002 MAIL JENNY JEE
RECEIPT # 641225 7/10/2007 CCLM
amt 5 028 ZIRING VERIFICATION
amt. 049298
Recpt tot 8130.00
6130.00 FY 5.00 CA
Baltimore County, Maryland

Fund	Dept	Unit	Sub Unit	Rev Source/ Obj	Sub Rev/ Sub Obj	Dept Obj	BS Acct	Amount
004	206	0000		6150				120.00

Total: 120.00

Rec'd From: GARY JACOBUS

For: Petition for Variance & Special Hearing
1502 R GALEND RD

DISTRIBUTION

WHITE - CASHIER PINK - AGENCY YELLOW - CUSTOMER GOLD - ACCOUNTING
PLEASE PRESS HARD!!!!

**CASHIER'S
VALIDATION**

CERTIFICATE OF POSTING

RE: 2010-0014-SPHA.

Petitioner/Developer:__

Gary and Micala Jacobs

Date of Hearing/closing: September 16 2009

**Baltimore County Department of
Permits and Development Management
County Office Building, Room 111
111 West Chesapeake Avenue
Towson, Maryland 21204**

Attn; Kristin Matthews;

Ladies and Gentlemen:

This letter is to certify under the penalties of perjury that the necessary sign(s) required by law were posted conspicuously on the property located at, _____
1502 Galena Road

The sign(s) were posted on September 1, 2009

(Month, Day, Year)

Sincerely,

2009

Robert Black September 2, 2009,

(Signature of Sign Poster) (Date)

SSG Robert Black

(Print Name)

1508 Leslie Road

(Address)

Dundalk, Maryland 21222

(City, State, Zip Code)

(410) 282-7940

(Telephone Number)

ZONING NOTICE

CASE # 2010-0014-SPHA

**A PUBLIC HEARING WILL BE HELD BY
THE ZONING COMMISSIONER
IN TOWSON, MD**

Room 104, JEFFERSON BUILDING

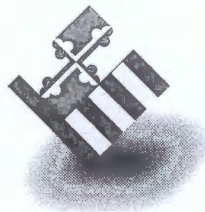
PLACE: 105 WEST CHESAPEAKE AVE. TOWSON 21204

DATE AND TIME: WEDNESDAY, SEPTEMBER 16, 2009 AT 9:00 ^{A.M.}

REQUEST SPECIAL HEARING TO CONFORM NON-CONFORMING
2 DWELLINGS ON A LOT. VARIANCE TO ALLOW AN ADDITION WITH
A SETBACK OF 3 FEET IN LIEU OF THE REQUIRED 10 FEET.

POSTPONEMENTS DUE TO WEATHER OR OTHER CONDITIONS ARE SOMETIMES NECESSARY.
TO CONFIRM HEARING: CALL 887-3391

DO NOT REMOVE THIS SIGN AND POST UNTIL DAY OF HEARING, UNDER PENALTY OF LAW
HANDICAPPED ACCESSIBLE



BALTIMORE COUNTY
M A R Y L A N D

JAMES T. SMITH, JR.
County Executive

TIMOTHY M. KOTROCO, *Director*
Department of Permits and
Development Management
August 10, 2009

NOTICE OF ZONING HEARING

The Zoning Commissioner of Baltimore County, by authority of the Zoning Act and Regulations of Baltimore County, will hold a public hearing in Towson, Maryland on the property identified herein as follows:

CASE NUMBER: 2010-0014-SPHA

1502 Galena Road

S/side of Galena Road at a distance of 62 feet east of Waterford Road

15th Election District – 7th Councilmanic District

Legal Owners: Gary & Micala Jacobs

Special Hearing to conform non-conforming 2 dwelling units on a lot. Variance to allow an addition with a setback of 3 feet in lieu of the required 10 feet.

Hearing: Wednesday, September 16, 2009 at 9:00 a.m. in Room 104, Jefferson Building,
105 West Chesapeake Avenue, Towson 21204

A handwritten signature in black ink that reads "Timothy Kotroco".

Timothy Kotroco
Director

TK:klm

C: Mr. & Mrs. Jacobs, 1502 Galena Road, Baltimore 21221

- NOTES: (1) **THE PETITIONER MUST HAVE THE ZONING NOTICE SIGN POSTED BY AN APPROVED POSTER ON THE PROPERTY BY TUESDAY, SEPTEMBER 1, 2009.**
- (2) HEARINGS ARE HANDICAPPED ACCESSIBLE; FOR SPECIAL ACCOMMODATIONS PLEASE CALL THE ZONING COMMISSIONER'S OFFICE AT 410-887-4386.
- (3) FOR INFORMATION CONCERNING THE FILE AND/OR HEARING, CONTACT THE ZONING REVIEW OFFICE AT 410-887-3391.

TO: PATUXENT PUBLISHING COMPANY
Tuesday, September 1, 2009 Issue - Jeffersonian

Please forward billing to:

Gary Jacobs
1502 Galena Road
Baltimore, MD 21221-6008

410-391-6584

NOTICE OF ZONING HEARING

The Zoning Commissioner of Baltimore County, by authority of the Zoning Act and Regulations of Baltimore County, will hold a public hearing in Towson, Maryland on the property identified herein as follows:

CASE NUMBER: 2010-0014-SPHA

1502 Galena Road

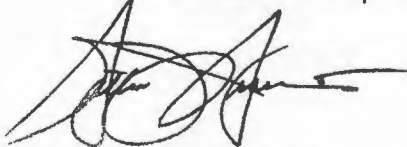
S/side of Galena Road at a distance of 62 feet east of Waterford Road

15th Election District – 7th Councilmanic District

Legal Owners: Gary & Micala Jacobs

Special Hearing to conform non-conforming 2 dwelling units on a lot. Variance to allow an addition with a setback of 3 feet in lieu of the required 10 feet.

Hearing: Wednesday, September 16, 2009 at 9:00 a.m. in Room 104, Jefferson Building,
105 West Chesapeake Avenue, Towson 21204



WILLIAM J. WISEMAN III
ZONING COMMISSIONER FOR BALTIMORE COUNTY

- NOTES: (1) HEARINGS ARE HANDICAPPED ACCESSIBLE; FOR SPECIAL ACCOMODATIONS, PLEASE CONTACT THE ZONING COMMISSIONER'S OFFICE AT 410-887-4386.
- (2) FOR INFORMATION CONCERNING THE FILE AND/OR HEARING, CONTACT THE ZONING REVIEW OFFICE AT 410-887-3391.

**DEPARTMENT OF PERMITS AND DEVELOPMENT MANAGEMENT
ZONING REVIEW**

ADVERTISING REQUIREMENTS AND PROCEDURES FOR ZONING HEARINGS

The Baltimore County Zoning Regulations (BCZR) require that notice be given to the general public/neighboring property owners relative to property which is the subject of an upcoming zoning hearing. For those petitions which require a public hearing, this notice is accomplished by posting a sign on the property (responsibility of the petitioner) and placement of a notice in a newspaper of general circulation in the County, both at least fifteen (15) days before the hearing.

Zoning Review will ensure that the legal requirements for advertising are satisfied. However, the petitioner is responsible for the costs associated with these requirements. The newspaper will bill the person listed below for the advertising. This advertising is due upon receipt and should be remitted directly to the newspaper.

OPINIONS MAY NOT BE ISSUED UNTIL ALL ADVERTISING COSTS ARE PAID.

For Newspaper Advertising:

Item Number or Case Number: 2010-0014-SPHA
Petitioner(s) Gary Lee Jacobs and Micaela Aigner-Jacobs
Address or Location: 1502 Galena Rd, Baltimore, MD

PLEASE FORWARD ADVERTISING BILL TO:

Name: Gary Jacobs
Address: 1502 Galena Road.
Baltimore, MD 21221-6008
Telephone Number: (410) 391-6584



BALTIMORE COUNTY

M A R Y L A N D

JAMES T. SMITH, JR.
County Executive

TIMOTHY M. KOTROCO, *Director*
Department of Permits and
Development Management

September 10, 2009

Gary & Micaela Jacobs
1502 Galenda Rd.
Baltimore, MD 21221

Dear: Gary & Micaela Jacobs

RE: Case Number 2010-0014-SPHA, 1502 Galenda Rd.

The above referenced petition was accepted for processing **ONLY** by the Bureau of Zoning Review, Department of Permits and Development Management (PDM) on July 10, 2009. This letter is not an approval, but only a **NOTIFICATION**.

The Zoning Advisory Committee (ZAC), which consists of representatives from several approval agencies, has reviewed the plans that were submitted with your petition. All comments submitted thus far from the members of the ZAC are attached. These comments are not intended to indicate the appropriateness of the zoning action requested, but to ensure that all parties (zoning commissioner, attorney, petitioner, etc.) are made aware of plans or problems with regard to the proposed improvements that may have a bearing on this case. All comments will be placed in the permanent case file.

If you need further information or have any questions, please do not hesitate to contact the commenting agency.

Very truly yours,

W. Carl Richards, Jr.
Supervisor, Zoning Review

WCR:lnw

Enclosures

c: People's Counsel

BW
9-16-09

BALTIMORE COUNTY, MARYLAND

Inter-Office Correspondence



RECEIVED

SEP 09 2009

ZONING COMMISSIONER

TO: Timothy M. Kotroco

FROM: Dave Lykens, DEPRM - Development Coordination

DATE: September 9, 2009

SUBJECT: Zoning Item # 10-014-SPH
Address 1502 Galena Road
(Jacobs Property)

Zoning Advisory Committee Meeting of July 20, 2009

X The Department of Environmental Protection and Resource Management offers the following comments on the above-referenced zoning item:

X Development of this property must comply with the Chesapeake Bay Critical Area Regulations (Sections 33-2-101 through 33-2-1004, and other Sections, of the Baltimore County Code).

Additional Comments: This property is located within a Limited Development Area (LDA) and Buffer Management Area (BMA) in the Chesapeake Bay Critical Area. Lot coverage is limited to 25% of the lot area above mean high water, or a maximum lot coverage of 31.25%, if approved and with mitigation. The site may be grandfathered at a higher lot coverage allowance only if that lot coverage existed prior to the Critical Area law. A 100-foot tidal buffer applies to this site. Use and development within the buffer is restricted, and must comply with all LDA and BMA requirements. A minimum 15% forest cover is required to exist on-site at all times. Mitigation requirements may require additional planting, removal of lot coverage, fees-in-lieu, or a combination of these. The site plan must show the 100-ft. tidal buffer measured off mean high water, all existing and proposed lot coverage in detail and in a table, and all existing and proposed trees.

Reviewer: Paul Dennis

Date: August 11, 2009

BS 9/16
9am

BALTIMORE COUNTY, MARYLAND

INTER-OFFICE CORRESPONDENCE

TO: Timothy M. Kotroco, Director
Department of Permits and
Development Management

DATE: August 3, 2009

FROM: Arnold F. 'Pat' Keller, III
Director, Office of Planning

RECEIVED

SUBJECT: 1502 Galena Road

AUG 05 2009

INFORMATION:

Item Number: 10-014

ZONING COMMISSIONER

Petitioner: Gary Jacobs and Micaela Aigner

Zoning: DR 5.5

Requested Action: Variance and Special Hearing

SUMMARY OF RECOMMENDATIONS:

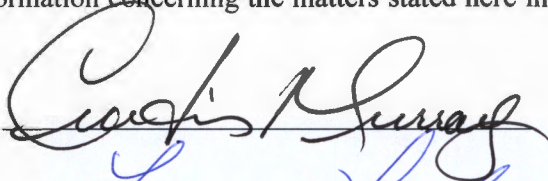
The subject site appears to generally be a non-conforming use. The proposal will remove several smaller structures and upgrade the appearance of the existing 2nd residence.

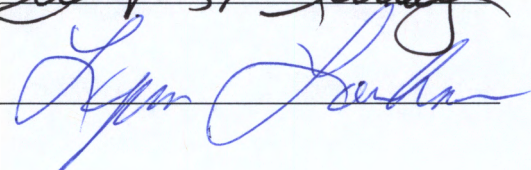
Although non-conforming to the regulations, it is not incompatible with the adjacent waterfront properties on this block.

The materials and design should be consistent with the other house on the property. No other structures however shall be permitted on the site.

Upon visiting the site it was observed that the proposed new structure is already framed and there is currently no notice posting on the site (as of 07-30-09).

For further information concerning the matters stated here in, please contact John Alexander at 410-887-3480.

Prepared by: 

Division Chief: 
AFK/LL: CM

BALTIMORE COUNTY, MARYLAND
INTEROFFICE CORRESPONDENCE

TO: Timothy M. Kotroco, Director
Department of Permits & Development
Management

DATE: July 28, 2009

FROM: Dennis A. Kennedy, Supervisor
Bureau of Development Plans Review

SUBJECT: Zoning Advisory Committee Meeting
For July 27, 2009
Item No. 2010-014

The Bureau of Development Plans Review has reviewed the subject zoning item and we have the following comment(s).

Each dwelling should have two off-street parking spaces.

There appears to be more buildings on the site than are shown on the plan.

DAK:CEN:kta
cc: File
ZAC-ITEM NO 10-014-07272009.doc



BALTIMORE COUNTY
M A R Y L A N D

JAMES T. SMITH, JR.
County Executive

JOHN J. HOHMAN, *Chief*
Fire Department

County Office Building, Room 111
Mail Stop #1105
111 West Chesapeake Avenue
Towson, Maryland 21204

July 24, 2009

ATTENTION: Zoning Review Planners

Distribution Meeting Of: July 20.2009

ItemNumbers:0001,0002,0003,0004,0005,0007,0008,0009,0010,0013,0014,0016,0017,0019

Pursuant to your request, the referenced plan(s) have been reviewed by this Bureau and the comments below are applicable and required to be corrected or incorporated into the final plans for the property.

1. The Fire Marshal's Office has no comments at this time.

Lieutenant Roland P Bosley Jr.
Fire Marshal's Office
410-887-4881 (C)443-829-2946
MS-1102F

cc: File



Martin O'Malley, Governor
Anthony G. Brown, Lt. Governor

State Highway
Administration

Beverly K. Swaim-Staley, Acting Secretary
Neil J. Pedersen, Administrator

Maryland Department of Transportation

Date: JULY 23, 2009

Ms. Kristen Matthews
Baltimore County Office of
Permits and Development Management
County Office Building, Room 109
Towson, Maryland 21204

RE: Baltimore County
Item No 2010-0014-SPH
1502 GALENA RD
JACOBS PROPERTY
SPECIAL HEARING -
VARIANCE -

Dear Ms. Matthews:

Thank you for the opportunity to review your referral request on the subject of the above captioned. We have determined that the subject property does not access a State roadway and is not affected by any State Highway Administration projects. Therefore, based upon available information this office has no objection to Baltimore County Zoning Advisory Committee approval of Item No. 2010-0014-SPH.

Should you have any questions regarding this matter, please contact Michael Bailey at 410-545-2803 or 1-800-876-4742 extension 5593. Also, you may E-mail him at (mbailey@sha.state.md.us).

Very truly yours,

For Steven D. Foster, Chief
Engineering Access Permits
Division

SDF/MB

CASE NAME Jones
CASE NUMBER 2010-0014-SFHA
DATE 9-16-09

[illegible]

RE: PETITION FOR SPECIAL HEARING * BEFORE THE
AND VARIANCE *
1502 Galena Road; S/S Galena Road, * ZONING COMMISSIONER
62' E of Waterford Road *
15th Election & 7th Councilmanic Districts *
Legal Owner(s): Gary & Micaela Jacobs * FOR
Petitioner(s) * BALTIMORE COUNTY
* 2010-014-SPHA

* * * * *

ENTRY OF APPEARANCE

Pursuant to Baltimore County Charter § 524.1, please enter the appearance of People's Counsel for Baltimore County as an interested party in the above-captioned matter. Notice should be sent of any hearing dates or other proceedings in this matter and the passage of any preliminary or final Order. All parties should copy People's Counsel on all correspondence sent and all documentation filed in the case.

RECEIVED
JUL 28 2009

Peter Max Zimmerman

PETER MAX ZIMMERMAN
People's Counsel for Baltimore County
Carole S. Demilio

CAROLE S. DEMILIO
Deputy People's Counsel
Jefferson Building, Room 204
105 West Chesapeake Avenue
Towson, MD 21204
(410) 887-2188

CERTIFICATE OF SERVICE

I HEREBY CERTIFY that on this 28th day of July, 2009, a copy of the foregoing Entry of Appearance was mailed to Gary & Micaela Jacobs, 1502 Galena Road, Baltimore, MD 21221, Petitioner(s).

Peter Max Zimmerman

PETER MAX ZIMMERMAN
People's Counsel for Baltimore County



Maryland Department of Assessments and Taxation
BALTIMORE COUNTY
 Real Property Data Search (2007 vw5.1)

[Go Back](#)
[View Map](#)
[New Search](#)

Account Identifier: District - 15 Account Number - 1518351420

Owner Information

Owner Name: JACOBS GARY LEE Use: RESIDENTIAL
 AIGNER-JACOBS MICAELA M Principal Residence: YES
 Mailing Address: 1502 GALENA RD Deed Reference: 1) /14055/ 83
 BALTIMORE MD 21221-6008 2)

Location & Structure Information

Premises Address Legal Description
 1502 GALENA RD 1502 GALENA RD
 WATERFRONT HYDE PARK

Map	Grid	Parcel	Sub District	Subdivision	Section	Block	Lot	Assessment Area	Plat No:
97	23	287					29A	3	Plat Ref: 9/ 59

Special Tax Areas Town
 Ad Valorem
 Tax Class

Primary Structure Built	Enclosed Area	Property Land Area	County Use
1914	1,840 SF	11,904.00 SF	34

Stories	Basement	Type	Exterior
2	YES	STANDARD UNIT	SIDING

Value Information

	Base Value	Value As Of 01/01/2009	Phase-in Assessments As Of 07/01/2009	As Of 07/01/2010
Land	173,220	146,470		
Improvements:	170,750	202,860		
Total:	343,970	349,330	345,756	347,542
Preferential Land:	0	0	0	0

Transfer Information

Seller: JACOBS GARY LEE	Date: 09/29/1999	Price: \$0
Type: NOT ARMS-LENGTH	Deed1: /14055/ 83	Deed2:
Seller: JACOBS GARY LEE	Date: 06/05/1998	Price: \$0
Type: NOT ARMS-LENGTH	Deed1: /12911/ 27	Deed2:
Seller: JACOBS GARY LEE	Date: 06/16/1977	Price: \$0
Type: NOT ARMS-LENGTH	Deed1: / 5765/ 466	Deed2:

Exemption Information

Partial Exempt Assessments	Class	07/01/2009	07/01/2010
County	000	0	0
State	000	0	0
Municipal	000	0	0

Tax Exempt: NO
 Exempt Class:

Special Tax Recapture:
 * NONE *



**Maryland Department of Assessments
and Taxation
BALTIMORE COUNTY
Real Property Data Search**

**Go Back
View Map
New
Search**

District - 15 Account Number - 1518351420



Property maps provided courtesy of the Maryland Department of Planning ©2008.
For more information on electronic mapping applications, visit the Maryland Department
of Planning web site at www.mdp.state.md.us/webcom/index.html

DIVISION OF CODE INSPECTIONS AND ENFORCEMENT

ACTIVE VIOLATION CASE DOCUMENTS

BALTIMORE COUNTY MARYLAND
INTER-OFFICE CORRESPONDENCE

DATE: July 22, 2009

TO: W. Carl Richards, Jr.
Zoning Review Supervisor

FROM: Rick Wisnom, Chief
Division of Code Inspections & Enforcement

SUBJECT: Item No.: 2010-0014-sph
Legal Owner/Petitioner: Jacobs, Gary & Micaela
Contract Purchaser: N/A
Property Address: 1502 Galena Rd.
Location Description: S/side of Galena Rd., 62' E of Waterford Rd

VIIOLATION INFORMATION: Case No. CO0061800
Defendants: Jacobs, Gary & Micaela

Please be advised that the aforementioned petition is the subject of an active violation case. When the petition is scheduled for a public hearing, please notify the following person(s) regarding the hearing date:

NAME	ADDRESS
Thomas Krispin	105 W. Chesapeake Ave. Ste. 400 21204
Gary Hucik (Bldg. Insp.)	M.S. 1009

In addition, please find attached a duplicate copy of the following pertinent documents relative to the violation case, for review by the Zoning Commissioner's Office:

- | | | |
|--------------------------|-----|---|
| X | 1. | Complaint letter/memo/email/fax (if applicable) |
| X | 2. | Complaint Intake Form/Code Enforcement Officer's report and notes |
| X | 3. | State Tax Assessment printout |
| ☐ | 4. | State Tax Parcel Map (if applicable) |
| ☐ | 5. | MVA Registration printout (if applicable) |
| ☐ | 6. | Deed (if applicable) |
| ☐ | 7. | Lease-Residential or Commercial (if applicable) |
| X | 8. | Photographs including dates taken |
| X | 9. | Correction Notice/Code Violation Notice |
| ☐ | 10. | Citation and Proof of Service (if applicable) |
| ☐ | 11. | Certified Mail Receipt (if applicable) |
| ☐ | 12. | Final Order of the Code Official/Hearing Officer (if applicable) |
| ☐ | 13. | Office of Budget & Finance Billing Notice/Property Lien Sheet (if applicable) |
| X | 14. | Complete Chronology of Events, beginning with the first complaint through the Billing Notice/Property Lien Sheet (if applicable). |

After the public hearing is held, please send a copy of the Zoning Commissioner's order to Helene Kehring in Room 113 in order that the appropriate action may be taken relative to the violation case.

RSW/
C: Code Enforcement Officer



Permits & Development Management Complaint Report

Report Criteria:
Complaint Record ID: CO0061800

<u>Record ID</u> CO0061800	<u>AS/400 Case</u>	<u>Assigned To</u> Gary Hucik	<u>Assigned Date</u> 08/04/2009	<u>Received By</u> Karen Hopkins	<u>Received Date</u> 05/27/2009	<u>Status</u> Open - Normal	<u>Hearing Date</u>	<u>ADC Grid</u> 45H1
-------------------------------	--------------------	----------------------------------	------------------------------------	-------------------------------------	------------------------------------	--------------------------------	---------------------	-------------------------

Complaint Description: BLDG. GARAGE W/O PERMIT

<u>Facility:</u> FA0166293 PDM 1518351420 1502 GALENA RD ESSEX, MD 21221	<u>Owner :</u> JACOBS GARY LEE AIGNER-JACOBS MICAELA M 1502 GALENA RD BALTIMORE MD 21221	<u>Complainant:</u> RICK SZYMANSKI HOME: 4103928534 FOLDER MADE
--	---	--

Daily Activity Details - No Data

Violation Details - No Data

Comment Details

Type	Date	Comments
BUILDING INSPECTIONS	06/01/2009	INSPECTION 06/08/09 June 01, 2009 10:32 AM - KHOPKINS INSPECTED PROPERTY ON 05/29/09. ISSUED A SWO FOR OWNER TO OBTAIN A VALID PERMIT FOR CONSTRUCTION ON A GARAGE. P/U 06/08/09. G.HUCIK/KH.
BUILDING INSPECTIONS	06/11/2009	INSPECTION 6/11/09 June 11, 2009 10:26 AM - NSHELTON OWNER HAS APPLIED FOR A VARIANCE TO HAVE GARAGE HEIGHT OVER 15 FT. WILL EXTEND FOR 30 DAYS. P/U 7/14/09 GLHUCIK/NS***
BUILDING INSPECTIONS	07/16/2009	INSPECTION 7/14/09 July 16, 2009 09:12 AM - NSHELTON WAITING ON VARIANCE DATE. RECHECK 8/4/09 G.HUCIK/NS***

Lien Information - None



Baltimore County
Department of Permits and
Development Management

Code Inspections and Enforcement
County Office Building
111 West Chesapeake Avenue
Towson, MD 21204

Building Inspection: 410-887-3953

Plumbing Inspection: 410-887-3620
Electrical Inspection: 410-887-3960

BALTIMORE COUNTY UNIFORM CODE ENFORCEMENT CORRECTION NOTICE

Citation/Case No. 61800	Property No.	Zoning: DR
-----------------------------------	--------------	----------------------

Name(s): **Gary Lee Jacobs**

Address: **1502 Galea RD Balt MD 21221**

Violation Location: **SAME**

DID UNLAWFULLY VIOLATE THE FOLLOWING BALTIMORE COUNTY LAWS:

**BCBC 114.0 Stop work order/
Stop all construction on garage
\$500.00 fine**

**BCC - 35-2-301,304
A valid permit is require
before any construction can
resume.**

Posted on Site

YOU ARE HEREBY ORDERED TO CORRECT THESE VIOLATION(S) ON OR BEFORE:

On or Before: 6/8/09	Date Issued: 5/29/09
--------------------------------	--------------------------------

FAILURE TO COMPLY WITH THE DEADLINE STATED IS A MISDEMEANOR. A CONVICTION FOR EACH VIOLATION SUBJECTS YOU TO POTENTIAL FINES OF \$200, \$500, OR \$1000 PER DAY, PER VIOLATION, DEPENDING ON VIOLATION, OR 90 DAYS IN JAIL, OR BOTH.

Print Name: **Gary Hook**

INSPECTOR:

Gary Hook

STOP WORK NOTICE

PURSUANT TO INSPECTION OF THE FOREGOING VIOLATIONS, YOU SHALL CEASE ALL WORK UNTIL THE VIOLATIONS ARE CORRECTED AND/OR PROPER PERMITS OBTAINED. WORK CAN RESUME WITH THE APPROVAL OF THE DIVISION OF CODE INSPECTIONS AND ENFORCEMENT. THESE CONDITIONS MUST BE CORRECTED NOT LATER THAN:

On or Before: immediately	Date Issued: 5/29/09
-------------------------------------	--------------------------------

INSPECTOR:

Gary Hook

AGENCY

From: Thomas Krispin
To: Altmeyer, John
Date: 6/11/2009 10:00 AM
Subject: 1502 Galena Road possible building violation

John,

We had a few photos taken from the air of an ongoing violation and found another one (possibly). There appears to be a building being constructed at 1502 Galena Road, on the road side of the dwelling, and we cannot find permits for it in the database. The lot may be over the impervious limit, and if they are building it w/o permits we figured you would be interested - it looks to be at least a two story structure. If you need more info, let me know. Also if you find permits for it please let us know, as we cannot find any record in our office.

tk

Thomas Krispin
Environmental Impact Review
(410) 887-3980
tkrispin@baltimorecountymd.gov

*****PLEASE NOTE: Effective June 29*****
our new mailing address is:
105 W. Chesapeake Ave.
Suite 400
Towson, MD 21204

6-12-09 - 2 STORY ADD TO EXISTING
1 STORY GAR. (20 X 24 FT)

CO ENFORCEMENT REPORT

DATE: 5/28/09 INTAKE BY: Hopkins, K CASE #: CO0061800 INSPEC: FA0166293

COMPLAINT LOCATION: 1502 Galena Rd

ZIP CODE: _____ DIST: _____

COMPLAINANT NAME: Rick Szymanski PHONE #: (H) 410 392 8534 (W)

ADDRESS: _____ ZIP CODE: _____

PROBLEM: hldg garage w/o permit

IS THIS A RENTAL UNIT? YES _____ NO _____
IF YES, IS THIS SECTION 8? YES _____ NO _____
OWNER/TENANT INFORMATION: _____

TAX ACCOUNT #: _____ ZONING: _____

INSPECTION: _____

REINSPECTION: _____

REINSPECTION: _____

REINSPECTION: _____

DATE: 05/29/2009

STANDARD ASSESSMENT INQUIRY (1)

TIME: 06:36:04

PROPERTY NO.	DIST	GROUP	CLASS	OCC.	HISTORIC	DEL	LOAD DATE
15 18 351420	15	3-0	34-00	D	NO		03/03/09
JACOBS GARY LEE				DESC-1.. IMPS			
AIGNER-JACOBS MICHAELA M				DESC-2.. HYDE PARK			
1502 GALENA RD				PREMISE. 01502 GALENA RD			

00000-0000

BALTIMORE

MD 21221-6008 FORMER OWNER: JACOBS, GARY LEE

----- FCV -----		----- PHASED IN -----				
	PRIOR	PROPOSED		CURR	CURR	PRIOR
LAND:	173,220	146,470		FCV	ASSESS	ASSESS
IMPV:	170,750	202,860	TOTAL..	345,756	345,756	343,970
TOTL:	343,970	349,330	PREF...	0	0	0
PREF:	0	0	CURT...	294,440	294,440	299,640
CURT:	299,640	294,440	EXEMPT.		0	0
DATE:	09/05	10/08				

----	TAXABLE BASIS	----	FM DATE
	ASSESS:	345,756	11/08/08
	ASSESS:	343,970	
	ASSESS:	0	

ENTER-INQUIRY2 PA1-PRINT PF4-MENU PF5-QUIT PF7-CROSS REF

DATE: 05/29/2009

STANDARD ASSESSMENT INQUIRY (2)

TIME: 06:36:12

PROPERTY NO.	DIST	GROUP	CLASS	OCC.	HISTORIC	DEL	LOAD DATE
15 18 351420	15	3-0	34-00	D	NO		03/03/09
LOT....	29A	BOOK....	0009	MAP.....	0097	LOT WIDTH.....	52.30
BLOCK..		FOLIO...	0059	GRID....	0023	LOT DEPTH.....	.00
SECTION..				PARCEL..	0287	LAND AREA..	11904.000 S
PLAT..						YEAR BUILT.....	14

-----TRANSFER DATA-----

NUMBER..... 174266
 DATE..... 09/29/99
 PURCHASE PRICE..... 0
 GROUND RENT..... 0
 DEED REF LIBER..... 14055
 DEED REF FOLIO..... 0083
 CONVEYED IND..... 9
 TOT-PART TRAN IND..... T
 GRANTOR ACCT NO.. 15-18-351420

-----EXEMPT DATA-----

STATUS.....
 CLASS CODE..... 000
 STATE EXEMPT CODE..... 000
 COUNTY EXEMPT CODE..... 000
 CURR STATE EX ASMT.... 0
 PRIOR STATE EX ASMT... 0
 CURR COUNTY EX ASMT... 0
 PRIOR COUNTY EX ASMT.. 0

CRITICAL NEW CONST CARD

-----STRUCTURE-----

AREAS CODE	YEAR	NO	CODE	SQ. FEET
		16364		1840

ENTER-INQUIRY3 PA1-PRINT PF2-INQUIRY1 PF4-MENU PF5-QUIT PF7-CROSS REF

DATE: 05/29/2009

STANDARD ASSESSMENT INQUIRY (3)

TIME: 06:36:18

PROPERTY NO.	DIST	GROUP	CLASS	OCC.	HISTORIC	DEL	LOAD DATE
15 18 351420	15	3-0	34-00	D	NO		03/03/09

-----STATE-----

GEO CODE N/A LAND-USE

REC CREATE DATE.. 10/23/92

82 NO R

DELETE CODE..... M

DATE DELETED.....

LAST FM DATE..... 11/08/08

LAST FM TYPE..... C

PREV FM DATE.....

PREV FM TYPE.....

----- COUNTY -----

LAST LOAD DATE... 03/03/09

PRIOR LOAD DATE.. 01/05/09

STATE TAXABLE ASSESS

ASSESS: 345,756

ASSESS: 343,970

ASSESS: 0

ENTER-INQUIRY1 PA1-PRINT PF2-INQUIRY2 PF4-MENU PF5-QUIT PF7-CROSS REF



ZONING VARIANCE CASES

<u>N</u>	G. Berry	<u>N</u>	R. Larrick
<u>N</u>	J. Garland	<u>N</u>	B. Peters
<u>Y</u>	G. Hucik	<u>N</u>	L. Mayer
<u>N</u>	J. Kemp	<u>N</u>	C. Profili
<u>N</u>	G. Kidd	<u>N</u>	D. Rioux
<u>N</u>	T. Kidd	<u>N</u>	D. Rohlfs
		<u>N</u>	H. Rowe

Please check over the following Zoning Hearings to let me know if there are any outstanding violations. Please put the address of the violation next to your name. I will need copies of everything in the file, or correction notices, if there is no file, to send to the zoning commissioner, along with the form filled out (found on my desk).

Thank you,

Karen Hopkins

ZONING ADVISORY COMMITTEE AGENDA
ROOM 123, COUNTY OFFICE BUILDING
DISTRIBUTION MEETING OF July 20, 2009
FORMAL OR INFORMAL RESPONSE DUE AT July 27, 2009 MEETING

* Agenda Only
+ Agenda and Petition
& Agenda and Plat
Agenda, Petition and Plat

Distribution:

- * Zoning Commissioner's Office (William J. Wiseman); MS #3401
- # PDM, Zoning Review H.O. Hearing File (Kristen Matthews)
- # PDM, Zoning Review DRC/ZAC Meeting File (W. Carl Richards, Jr.)
- * PDM, Code Enforcement (Lisa Henson & Mike Mohler) 2 Copies
- * PDM, Building Inspection (Karen Hopkins)
- & PDM, Development Plans Review (Dennis Kennedy)
- # Planning Office (Curtis Murray)
- * Recreation and Parks (Jean Tansey); MS #52
- # DEPRM (Jeff Livingston) – 2 copies of each
- & State Highway Administration, Access Permits Division (Mike Bailey)
- & Fire Department (Lt. Roland P. Bosley, Jr.) MS #1102F
- * Economic Development Commission, Business Develop. MS #2M07
- * Highways (Tim Burgess); MS #1003
- * Community Conservation (Mary Harvey); MS #1102M
- + People's Counsel (Peter Zimmerman); MS #2010
- * Honorable T. Bryan McIntire, County Council, District 3; MS #2201
- * Nancy Jones/Mike Ruby
- # IF CRITICAL AREA, Maryland Office of Planning (Steve Allen)
- # IF FLOODPLAIN, Department of Natural Resources
- # IF FLOODPLAIN, Public Works (David Thomas); MS #1315
- # IF ELDERLY HOUSING, Community Development; MS #1102M
- # IF HELICOPTER, Police Department, Aviation Unit (Officer Taylor or Sgt. Wines)
- # IF PAWN SHOP, Police Department, Burglary/Pawn Unit (Det. Kropfelder); MS #1102E
- * IF TOWER, Tower Coordinator, c/o OIT; MS #2007

The attached information is being forwarded to you for comment. Your comments should reflect any conflicts with the codes, standards, or regulations of your office or department. Development representatives that attend the meeting should be prepared to submit their agency's response as either "no comment", "written comment" or "more review time required" within one week at the next meeting. If no written response is received within two weeks, it is assumed that your agency has "no comment". All written comments must reference the ZAC item number. All comments received will be compiled and included in the zoning/development file for review and consideration by the hearing officer during the course of the upcoming zoning/development hearing.

If your agency or section is not represented at the meeting, you should return your written comments to the Department of Permits and Development Management (PDM), Room 111, County Office Building, 111 West Chesapeake Avenue, Towson, MD 21204 (Mail Stop #1105), Attention: Kristen Matthews.

If you have any questions regarding a particular zoning petition, please contact the Zoning Review planner (see initials after item number) at 410-887-3391.

Revised 07/12/06

ZAC AGENDA

Case Number: 2010-0014-SPH

Primary Use: Residential

Reviewer: JRF

Type: SPECIAL HEARING VARIANCE

Legal Owner: Gary and Micaela Jacobs

Contract Purchaser:

Critical Area: YES **Flood Plain:** NO **Historic:** NO **Election Dist:** 15th

Councilmanic Dist: 7th

Property Address: 1502 Galena Rd

Location: South side of Galena Road at a distance of 62 feet east of Waterford Road.

Existing Zoning: Dr-5.5

Area: 11,904 Square Feet

Proposed Zoning: SPECIAL HEARING To confirm non-conforming 2 dwelling units on a lot.

VARIANCE To allow an addition with a setback of 3 feet in lieu of the required 10 feet.

G. Huie

*CO 0061800
FA0166293*

Attorney:

Miscellaneous:

Case Number: 2010-0016-SPHA

Primary Use: Commercial

Reviewer: BPR

Type: SPECIAL HEARING VARIANCE

Legal Owner: Mays Chapel United Methodist Church

Contract Purchaser:

Critical Area: NO **Flood Plain:** NO **Historic:** NO **Election Dist:** 8th

Councilmanic Dist: 2nd

Property Address: 1804 Ridge Rd

Location: North west corner of Falls and Ridge Road.

Existing Zoning: RC-5

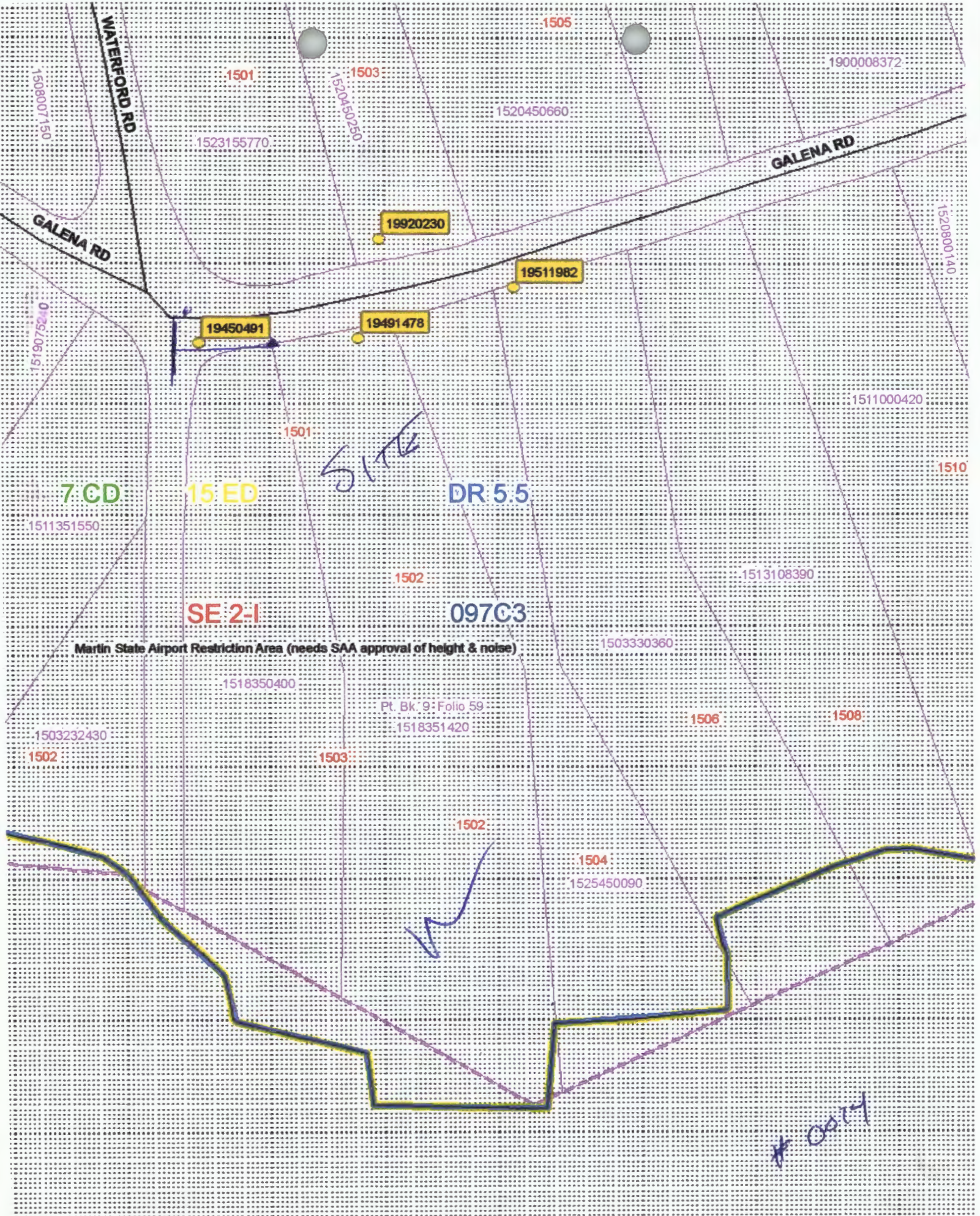
Area: 4.5 Acres

Proposed Zoning: SPECIAL HEARING To confirm that the existing cemetery is a non-conforming use and to approve a non-density transfer pursuant to DRC approval of a lot line adjustment between parcels # 50; 51, and 52 up to a maximum total of 1.5 acres.

VARIANCE To allow setbacks of 46 feet; 12 feet; 49 feet; 47 feet; 21 feet, and 11 feet as shown on the variance plat in lieu of the required 50 feet minimum.

Attorney:

Miscellaneous:



WATERFORD RD

GALENA RD

GALENA RD

19920230

19511982

19450481

19491478

SITE

DR 5.5

7-CD

15-ED

SE-2-I

097C3

Martin State Airport Restriction Area (needs SAA approval of height & noise)

Pt. Bk. 9-Folio 59

* only

Case No.: 2010-0014-SPHA1502 GALENA RD

Exhibit Sheet

Petitioner/Developer

Protestant

No. 1	SITE PLAN	
No. 2	Adjacent Neighbor/owner Wm & Carolyn KRUSE 1504 GALENA	
No. 3	Adjacent Neighbor/owner August & Luanne TOMAK 1503 GALENA	
No. 4	Long time residents who occupy 2 dwellings on lot in continuous use prior to 1950	
No. 5		
No. 6		
No. 7		
No. 8		
No. 9		
No. 10		
No. 11		
No. 12		

William and Carolyn Kruse
1504 Galena Road
Baltimore, Maryland 21221

July 9, 2009

To Whom It May Concern:

RE: Building on property at 1502 Galena Road

We have been adjoining neighbors of Gary and Micaela Jacobs for over 20 years. Gary discussed his plans to build an addition onto the 2 story 2nd house on his property earlier this year. We had no objections then and still have no objections.

If you have any questions regarding this matter we may be reached at the address above.

Sincerely,

William Kruse

William Kruse

Carolyn Kruse

Carolyn M Kruse

PETITIONER' S

EXHIBIT NO.

2

August and Luanne Tomak
1503 Waterford Road
Baltimore, MD 21221

July 9, 2009

To Whom It May Concern:

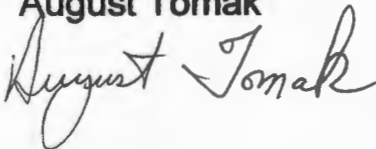
RE: Building at 1502 (R) Galena Road

We are next door neighbors of Gary and Micaela Aigner-Jacobs and have discussed their proposed 2 story dwelling/garage with Gary. We have no objection to this proposed dwelling.

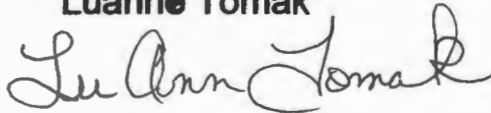
If you have any questions or concerns regarding the same you may contact us at the above address.

Sincerely,

August Tomak



Luanne Tomak



PETITIONER'S

EXHIBIT NO.

3

Gary L. Jacobs
Micaela M. Aigner-Jacobs
1502 Galena Road
Baltimore, MD 21221
410-391-6584

September 21, 2009

William J. Wiseman, III
Zoning Commissioner
105 West Chesapeake Avenue, Suite 103
Towson, Maryland 21204
410-887-3468 (fax)

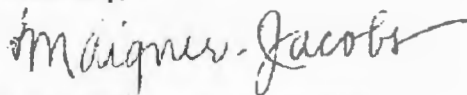
Dear Mr. Wiseman:

RE: Zoning Item # 10-014-SPH

I am faxing to you letters from three Hyde Park residents who confirm that 1502 R Galena Road was an existing building prior to 1955 and has been in continuous use.

Thank you for your help and understanding in this matter. Gary and I appreciate your time.

Sincerely,



Micaela M. Aigner-Jacobs

Total pages (4 with this letter)

PETITIONER'S

EXHIBIT NO. 4

September 21, 2009

Baltimore County Zoning Review

111 West Chesapeake Avenue, Room 111

Towson, MD 21204

To Whom It May Concern:

I, Kenneth R. Titus ~~SR~~ have lived in the community of Hyde Park in Essex, Maryland since 1944. My current address is 1505 Galena Rd
21221 md

I confirm that the second dwelling on 1502 Galena Road, Hyde Park, has been located there, and in continuous use since 1955 or before.

Sincerely,

Kenneth R. Titus ~~SR~~

September 21, 2009

Baltimore County Zoning Review

111 West Chesapeake Avenue, Room 111

Towson, MD 21204

To Whom It May Concern:

I, Maria Ulrich have lived in the community of Hyde Park in Essex,
Maryland since 1931. My current address is 1450 GALENA RD
BALTIMORE MD 21221

I confirm that the second dwelling on 1502 Galena Road, Hyde Park, has been located there, and
in continuous use since 1955 or before.

Sincerely,

Maria Ulrich

September 21, 2009

Baltimore County Zoning Review

111 West Chesapeake Avenue, Room 111

Towson, MD 21204

To Whom It May Concern:

I, John P. Bowlin have lived in the community of Hyde Park in Essex,
Maryland since 1954. My current address is 607 Spring LA
BALTO MD 21221

I confirm that the second dwelling on 1502 Galena Road, Hyde Park, has been located there, and
in continuous use since 1955 or before.

Sincerely,

John P. Bowlin

BW 9/16
9AM
Order Board
9-30-09

Gary L. Jacobs
Micaela Aigner-Jacobs
1502 Galena Road
Baltimore, MD 21221
410-391-6584

RECEIVED
OCT 05 2009
ZONING COMMISSIONER

October 2, 2009

William J. Wiseman, III
Zoning Commissioner
105 West Chesapeake Avenue, Suite 103
Towson, MD 21204

Dear Commissioner Wiseman:

RE: Zoning Item # 10-014-SPH

I am enclosing the originals of the three letters that I had faxed to you on September 21. I am also enclosing another letter that a resident returned to me later.

I am not certain how to proceed at this point, except to wait to hear from your office. If you need any add additional information, please let me know.

Thanks again for your time and consideration in this matter.

Sincerely,



Micaela Aigner-Jacobs

Enclosures (4)

RECEIVED

OCT 05 2009

ZONING COMMISSIONER

September 21, 2009

Baltimore County Zoning Review

111 West Chesapeake Avenue, Room 111

Towson, MD 21204

To Whom It May Concern:

I, Kenneth R. Titus sr. have lived in the community of Hyde Park in Essex, Maryland since 1944. My current address is 1505 Galena Rd
21221 md

I confirm that the second dwelling on 1502 Galena Road, Hyde Park, has been located there, and in continuous use since 1955 or before.

Sincerely,

Kenneth R. Titus sr.

RECEIVED

OCT 05 2009

ZONING COMMISSIONER

September 21, 2009

Baltimore County Zoning Review

111 West Chesapeake Avenue, Room 111

Towson, MD 21204

To Whom It May Concern:

I, Maria Ulrich have lived in the community of Hyde Park in Essex,
Maryland since 1937. My current address is 1450 GALENA RD
BALTIMORE MD 21221

I confirm that the second dwelling on 1502 Galena Road, Hyde Park, has been located there, and
in continuous use since 1955 or before.

Sincerely,

Maria Ulrich

RECEIVED

OCT 05 2009

ZONING COMMISSIONER

September 21, 2009

Baltimore County Zoning Review

111 West Chesapeake Avenue, Room 111

Towson, MD 21204

To Whom It May Concern:

I, John P Bowlin have lived in the community of Hyde Park in Essex,
Maryland since 1954. My current address is 607 Spring Ln
BALTO MD 21221

I confirm that the second dwelling on 1502 Galena Road, Hyde Park, has been located there, and
in continuous use since 1955 or before.

Sincerely,

John P Bowlin

RECEIVED

OCT 05 2009

ZONING COMMISSIONER

September 21, 2009

Baltimore County Zoning Review

111 West Chesapeake Avenue, Room 111

Towson, MD 21204

To Whom It May Concern:

I, Theodore Kulisiewicz Jr have lived in the community of Hyde Park in Essex, Maryland since 1953. My current address is 1421 Kent Rd. 21221

I confirm that the second dwelling on 1502 Galena Road, Hyde Park, has been located there, and in continuous use since 1955 or before.

Sincerely,

Theodore Kulisiewicz Jr.

-15-

SEE PAGES 5 & 6 OF THE CHECKLIST FOR ADDITIONAL REQUIRED INFORMATION

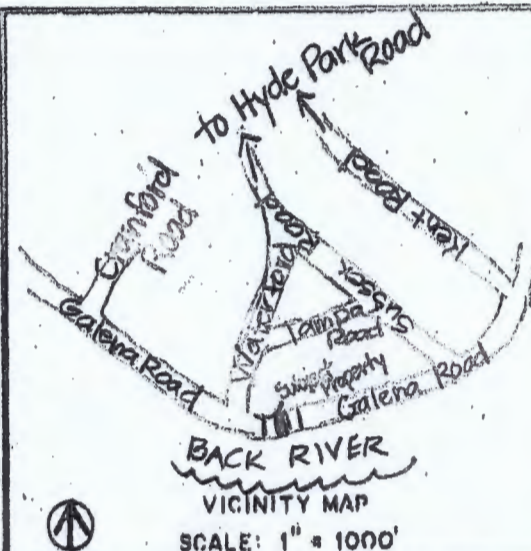
OWNER GARY JACOBS & MICHAELA AIGNER-JACOBS



NORTH

PREPARED BY M Aigner Jacobs

SCALE OF DRAWING: 1" = 30



ELECTION DISTRICT 15

COUNCILMANIC DISTRICT T

1"=200' SCALE MAP # 09703

ZONING ~~RE~~: DR 5.5

LOT SIZE .27 ACREAGE SQUARE FEET

	PUBLIC	PRIVATE
SEWER	☒	☐
WATER	☒	☐

CHESAPEAKE BAY
CRITICAL AREA

YES ☒ NO ☐

100 YEAR FLOOD PLAIN ☐ ☒

HISTORIC PROPERTY/
BUILDING ☐ ☒

PRIOR ZONING HEARING : none

ZONING OFFICE USE ONLY

REVIEWED BY ITEM # CASE #

JK

0014

-15-

SEE PAGES 5 & 6 OF THE CHECKLIST FOR ADDITIONAL REQUIRED INFORMATION

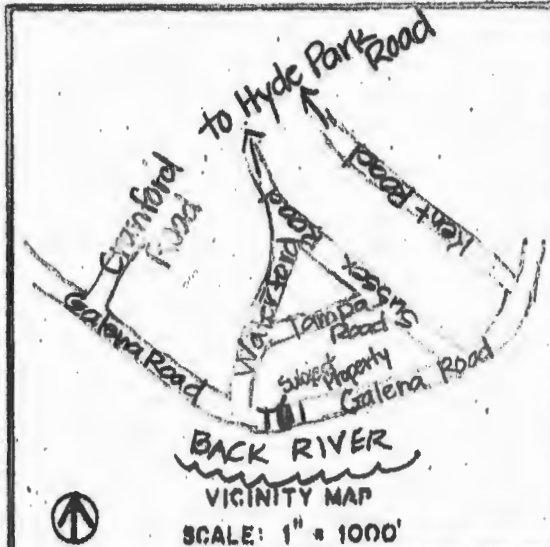
OWNER GARY JACOBS & MICHAELA AIGNER-JACOBS



NORTH

PREPARED BY M Aigner Jacobs

SCALE OF DRAWING: 1" = 30'



JK

0014